



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,638	03/29/2002	Michael Linden	P/1228-149	3097

2352 7590 07/24/2003

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

CAMPBELL, KELLY E

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,638

Applicant(s)

LINDEN ET AL.

Examiner

Kelly E Campbell

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

The preliminary amendment filed 3/29/02 is acknowledged. Claims 1-10 have been cancelled and claims 11-22 are added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "guide element" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-13, 16-17, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Strauss (US 1,816,161).

Strauss discloses a motor vehicle including a front and rear end;
an engine (1) in the vehicle toward the front, see Figure 1;
a forward air intake (7) toward the front of the vehicle;

Art Unit: 3618

a tubular chassis element (2) extending longitudinally along a front to rear direction of the vehicle, the chassis having an air inlet (5) toward the front of the vehicle and an air outlet (8) rearward of the inlet (5), see Column 1, lines 34-43;

a guide arrangement (front end of the tube 2) so disposed and shaped for leading air from the air intake (7) into the air inlet (5) of the chassis (2) element and through the chassis element (2);

at least one vehicle component (9) disposed inside the chassis element for air moving through the chassis element (5) to the air outlet (8) to pass the component (9), the component (9) being an exhaust pipe and a component of the vehicle drive line;

wherein the engine (1) is disposed forward of the chassis element (5), the guide arrangement (front end of the tube 2) being connected forwardly to the air intake (7) and rearwardly to the chassis element inlet (5);

wherein the guide element (front end of the tube 2) is shaped to surround the engine (1);

further including a rear end plate (16) as the rear end of the chassis element (5) and the rear end plate (16) providing the air outlet (8) from the chassis element (5);

further including a bottom plate (14) disposed under the engine (1);

further including a radiator (6) for the engine and located at the engine; air vents (3,4) disposed in the path of the air from the air intake (7) and located past the radiator (6), the air vents (3,4) being further shaped and positioned for discharging part of the air drawn in from the intake and for reducing the air supplied to the guide arrangement (frontward end of tube 2), see Column 1, lines 31-35.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss (US 1,816,161) as applied to claim 11 above, and further in view of Umeda (US 4,325,451).

Strauss teaches all aspects of the claimed invention as discussed above for claim 11, except a fan arrangement inside the chassis element.

Umeda teaches a vehicle chassis (24) having an air intake (72), air outlets (76); and a fan arrangement (70) for influencing airflow through the chassis element (24);

wherein the fan arrangement is located towards the air outlets (76) at the chassis element (24), see Figure 2;

with regards to claim 15, the recitation "the fan arrangement located at the chassis element toward the rear of the chassis and toward the air outlet";

Umeda teaches the fan arrangement located towards the air outlet, but does not teach the fan arrangement or air outlet located at the rear of the chassis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle structure of Strauss to include a fan arrangement for improving the

Art Unit: 3618

cooling affect for the chassis arrangement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the location of the fan arrangement to be at the rear of the chassis for a vehicle having a rear disposed outlet as taught by Strauss, since it has been held that rearranging the parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss (US 1,816,161) as applied to claim 11 above, and further in view of Sato et al (US 5,322,340).

Strauss teaches all aspects of the claimed invention as discussed above for claim 11, except a gearbox element mounted in the chassis of the vehicle.

Sato et al teaches a longitudinal vehicle chassis structure (3) having a gearbox or transmission (5) disposed inside the chassis (3) and situated near the rear axle of the vehicle, relative to the front of the vehicle.

It would have been obvious to one of ordinary skill the art at the time the invention was made to modify the chassis structure of the vehicle of Strauss to include a gearbox or transmission disposed in the chassis such that the airflow provided by the chassis structure configuration is able to provide cooling effect for the transmission.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss (US 1,816,161).

Strauss teaches all aspects of the claims as discussed above for claim 1, except the lower portion of a driver's cab being included in and disposed above the guide arrangement.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the position of the vehicle guide arrangement to be disposed beneath the lower portion of a vehicle driver's cab as opposed to in front of the driver's cab as disclosed by Strauss, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vlad (US 5,975,227) discloses a vehicle a frame chassis having air inlets, air outlets and a fan arrangement. Sato et al (US 5,813,491) teaches a vehicle under body chassis structure having air flow passages for cooling vehicle elements.

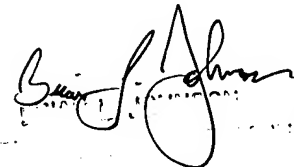
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Art Unit: 3618

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


KEQ
July 10, 2003


SU. 7/14/03
TECHNICAL UNIT